

Legislative Summary-Judicial Issues

2007 Session – 105th General Assembly

COMMERCIAL LAW

Advertising of radar detection or jamming devices. Prohibits advertisement, promotion, and sale of any radar jamming device that includes any mechanism interfering with the radar or laser used by law enforcement agencies to measure the speed of motor vehicles; prohibits advertisement of sale of any illegal products.

Public Chapter 0121 (effective 05/10/2007).

Worthless check collections clarified. Applies the inferred fraudulent intent standard in the criminal worthless check statute to the civil statute. Amends TCA Section 47-29-101.

Public Chapter 0241 (effective 05/24/2007).

Disputes in contracts. Establishes jurisdiction in circuit and chancery court for purposes of hearing contract disputes. Determination of which county has jurisdiction is dependant on where the defendant can be found, where the contract was executed, or where the goods or services were provided.

Public Chapter 0351 (effective 06/05/2007).

CRIMINAL LAW

Makes sexual offender registration information public. Makes information on sexual offender registration form public information for all offenders required to register, regardless of date of conviction, including out of state offenders who establish a residence in Tennessee.

Public Chapter 531 (effective 6/27/2007).

Use of deadly force for self-defense. Expands the circumstances under which a person using deadly force for self-defense is considered immune from civil liability. Permits the use of deadly force for self-defense when there is reasonable belief of death in not only a person's residence (current law) but also in such person's dwelling or vehicle. Defines residence to include any dwelling or building within the curtilage of one's residence. A person who uses force is not immune from civil liability if the person against whom force was used is an innocent bystander.

Public Chapter 0210 (effective 05/22/2007).

Registration of out-of-state sexual offenders. Under present law, in order to be classified as “sexual offender” or “violent sexual offender,” and thereby required to register with the sexual offender registry, the defendant must have been convicted of a sexual offense on or after January 1, 1995, or be on or released from supervision for a sexual offense on or after that date. This bill requires anyone convicted of a sexual offense to register, regardless of whether the offense occurred before or after January 1, 1995. This bill also requires an offender convicted in another state, regardless of the date of conviction, to register in this state if the offender makes sufficient contact with the state to require registration. A person convicted before January 1, 1995, has until August 1, 2007, to register with the appropriate registering authority—TCA §§ 40-39-202, 40-39-203.

Public Chapter 0465 (effective 08/01/2007).

Escape from penal institution when held for civil offense. Expands current Class A misdemeanor offense for person arrested for, charged with or found guilty of criminal offense to escape from penal institution to include those arrested for, charged with or found guilty of civil offense.

Public Chapter 0046 (effective 07/01/2007).

Incest defined as violent sexual offense. Defines incest as a "violent sexual offense," rather than a "sexual offense" (current law), for purposes of the sexual offender registry.

Public Chapter 0262 (effective 05/30/2007).

Punishment for dog running at large. This is the companion bill to Public Chapter 276 that modified the “first bite rule” relative to the civil liability of a dog’s owner for injury caused by the owner’s dog while the dog was running at large. This bill changes the criminal penalties for the present Class C misdemeanor of allowing a dog under the owner’s control to run at large. The present law has proved very difficult to prosecute because of the difficulty of proving that the owner allowed the dog to run at large. This bill provides that the owner of a dog commits an offense if the dog goes uncontrolled on public property or the premises of another without consent. The punishment is graduated from a fine only Class C misdemeanor for simple running at large to a Class D felony if the dog running at large causes the death of another. There are various exceptions, such as the dog was protecting the dog’s owner or the injured person was provoking the dog. There is also an affirmative defense that the owner exercised reasonable care in attempting to control the dog—TCA § 44-8-408.

Public Chapter 556 (effective 07/01/2007).

Punishment for allowing dogs to run at large. Enhances punishment for offense of dog running at large if the dog was trained to fight, attack or kill, had a prior history of biting people, or the owner knew of the dog's dangerous nature. Increases punishment for such dog running at large to: a Class A misdemeanor if the dog causes property damage, a Class E felony if the dog causes bodily injury, a Class D felony if the dog causes bodily injury to more than one person or causes serious bodily injury, a Class C felony if the dog causes death. Amends TCA Section 44-9-409.

Public Chapter 533 (effective 07/01/2007).

Intentional killing of police dog or horse. Under current law, the intentional killing of an animal is graded as theft of property. This bill allows the court to consider both the cost of the animal and any specialized training such animal received for the purpose of determining the grade of the criminal offense. Applies to police dogs, search and rescue dogs, service dogs, or police horses.

Public Chapter 0466 (effective 07/01/2007).

Transportation of illegal aliens into the state. Prohibits the transportation of illegal aliens into the state and establishes a Class A misdemeanor offense for violation that is punishable by a fine of \$1,000. Specifies that money received from such fines go to the agencies responsible for assisting with deportation of such illegal aliens. The provisions of this bill do not apply to common carriers and it is a defense to prosecution that the individuals were transported for religious purposes.

Public Chapter 0242 (effective 07/01/2007).

Sexual offender registry – notification by probation officers. Requires misdemeanor probation officers to determine if a probationer is on the sexual offender registry and to inform the sentencing judge if such status is found.

Public Chapter 0158 (effective 07/01/2007).

Prevention of alcohol sales to minors. Removes restriction that minors under the age of 21 who are male and who help law enforcement in operations to prevent beer or alcohol from being sold to minors may not have facial hair.

Public Chapter 0073 (effective 05/03/2007).

Abuse or neglect of an impaired adult. Clarifies that knowingly abusing or neglecting an impaired adult is a Class C felony. Specifies that in order to prosecute and convict a person of such violation, the state does not have to prove that the adult sustained serious bodily injury.

Public Chapter 0468 (effective 07/01/2007).

Sex with animals. Establishes Class E felony offense for a person who knowingly engages in sexual conduct or has sexual contact with an animal, aids another to do so, or permits bestiality to occur or photographs acts of bestiality.

Public Chapter 0510 (effective 07/01/2007).

Spectator at dog fight. Increases the penalty for the offense of being present as a spectator at a dog fight from a Class C misdemeanor to a Class B misdemeanor.

Public Chapter 0216 (effective 07/01/2007).

Impersonating a law enforcement officer. Adds person pretending to be law enforcement officer to definition of criminal impersonation. Such a violation a Class A misdemeanor. Increases penalty for other criminal impersonation to require the maximum fine of \$500 for the offense if the impersonation was committed to falsely obtain a driver license or photo ID.

Public Chapter 0355 (effective 07/01/2007).

HIV test for those convicted of promoting prostitution. Requires court to order person convicted of promoting prostitution to submit to HIV test.

Public Chapter 0257 (effective 07/01/2007).

Offense of elder abuse - ineligible for judicial diversion. Adds persons charged with willful abuse neglect, or exploitation of any dysfunctional or elder adult or willful physical abuse or gross negligence of an impaired adult, resulting in serious mental or physical harm, to list of those ineligible for judicial diversion or suspension of further proceedings.

Public Chapter 536 (effective 07/01/2007).

Vehicular homicide ineligible for suspension of prosecution. Adds vehicular homicide to the list of Class C felonies for which a prosecutor and defendant may not suspend prosecution.

Public Chapter 0471 (effective 01/01/2008).

Commencement of prosecution for juveniles. Specifies that prosecution of juvenile commences with issuance of a juvenile petition alleging a delinquent act.

Public Chapter 0004 (effective 03/28/2007).

Photographing/recording of juveniles in certain cases. Allows a law enforcement officer to photograph or make a video or audio recording of a juvenile if such juvenile is committing an offense, if officer is conducting field sobriety test on juvenile, or if juvenile is victim of offense and consents. Such videotapes and photographs must be for the sole purpose of use as evidence and are not public records.

Public Chapter 0134 (effective 07/01/2007).

Sexual offenders -- change in employment status. Requires sexual offenders, upon changing employment or vocational status (if such change remains in effect for 7 consecutive days or more) to report the change to the person's registering agency within 48 hours of the change.

Public Chapter 0126 (effective 07/01/2007).

DNA samples from sexual offenders. Adds persons convicted of misdemeanors that require them to register as sexual offender to the group of persons required to provide a specimen for DNA analysis.

Public Chapter 0077 (effective 07/01/2007).

Animal cruelty - security payment time limit. Provides a window of 15 business days for posting court-ordered security to pay for expenses of caring for an abused animal. . If the animal is seized from a person not the owner and the security is not posted within 15 business days, the court shall order the animal control agency or humane society to make reasonable efforts to locate the owner. If the owner/defendant is indigent, the court may order that no security needs to be posted. If payment is not remitted, owner relinquishes all custodial rights.

Public Chapter 0128 (effective 07/01/2007).

DNA samples from violent offenders. Requires that a DNA sample be taken by the arresting authority and submitted to the TBI for inclusion in DNA database from all persons arrested for violent felonies on or after January 1, 2008. Specifies that if such charges are disposed of, the TBI shall destroy DNA sample.

Public Chapter 0225 (effective 05/24/2007).

The Rosa Parks Act. Expunges public records, under certain circumstances, of a person who has been charged and convicted at least 37 years ago with a misdemeanor or felony while protesting or challenging a state law or municipal ordinance that enforced racial segregation or racial discrimination upon petition by that person. If requested by the petitioner, records used for educational purposes and displayed in museums, libraries, and buildings are exempt from such destruction requirement.

Public Chapter 0363 (effective 07/01/2007).

Criminal littering. Rewrites criminal offense provisions for littering. Proceeds from the fines are to be deposited in the general fund of the county where the offense occurred. Only law enforcement may enforce this provision. Adds cigarettes to the definition of litter. Adds the offense of "mitigated critical littering" and defines it as an amount less than or equal to five pounds, a Class C misdemeanor punishable by \$50 fine. Provides reward of \$250 will be given to any person who reports information to a law enforcement officer that leads to conviction for aggravated criminal or criminal littering.

Public Chapter 0595 (effective 07/01/2007).

Offense of indecent exposure. Expands definition of indecent exposure to include prisoners who expose their genitals or buttocks to another or engage in sexual conduct with the intent to abuse, torment, harass, or embarrass a guard or correctional officer. Violation is a Class A misdemeanor.

Public Chapter 0209 (effective 07/01/2007).

Assessing a fine remaining in default by contempt. Allows the trial court to assess any fine remaining in default after the entry of the order assessing the fine as criminal contempt. A hearing must be held by the court to determine if a person has the ability to pay prior to entry of such an order.

Public Chapter 0167 (effective 05/15/2007).

Offense of employing firearm during commission of felony. Creates a separate offense of possession of a firearm during commission of or attempt to commit a dangerous felony. Requires a sentence imposed for a violation of this part to be served consecutive to any other sentence. Removes eligibility for pretrial diversion, judicial diversion, probation, community correction, or any other comparable court program. Intending to go armed during commission of a felony is a Class D felony with minimum three-year sentence, and sentence increases to five years if defendant has a prior felony conviction. Carrying a firearm during commission of a felony is a Class C felony with mandatory minimum of six years, and sentence increases to ten for defendant with a prior conviction. Defines dangerous felonies, prior convictions, and periods of incarceration. Requires 100% of minimum mandatory sentence be served after application of sentence credits with no more than 15% reduction possibility. Provides time frames for prosecution of offenses related to violent criminal offenses committed against a child.

Public Chapter 594 (effective 01/01/2008).

Expansion of controlled substances. Adds numerous drugs to controlled substances schedule, thereby making it an offense to manufacture, deliver, sell, or possess with the intent to manufacture, deliver, or sell them. All changes to the schedules are consistent with federal drug schedules with the exception of carisoprodol (Soma/Vanadom), which is not included on the state list.

Public Chapter 0298 (effective 05/30/2007).

EDUCATION

Expulsion of students for fighting. Authorizes any principal, principal-teacher or assistant principal to suspend two or more students who initiate a physical attack on an individual student on school property, at a school activity, or traveling to or from school.

Public Chapter 0402 (effective 07/01/2007).

Mandatory plan for juvenile delinquents reentering school. Requires principal of a juvenile delinquent's school to develop a specifically formulated transition plan for a student returning who has been adjudicated as delinquent for certain specified violent offenses or who were in inpatient treatment for a mental health disorder. Maintains the record shared with the school regarding student's offense and treatment not be integrated into child's student record.

Allows the court, in individual cases where the court deems it appropriate, to include in the order a requirement to notify county and municipal law enforcement agencies having jurisdiction over the school in which the child will be enrolled. Violation is a Class C misdemeanor. Treatment centers are required to inform principal if a child leaves a voluntary treatment program and is still believed to pose a likelihood of serious harm.

Public Chapter 0314 (effective 07/01/2007).

Punishment for student misconduct. Authorizes suspension of a student who threatens to use bomb, dynamite, any other deadly explosive or destructive device on school property or at a school-sponsored event. Authorizes judge to suspend driver license for two years or until the juvenile turns 18 for juveniles who have committed such an act.

Public Chapter 0457 (effective 07/01/2007).

ESTATES & TRUSTS

Records of guardianships and conservatorships. Removes social security number of respondent from order appointing the guardian ad litem. Deletes provision which requires social security number of respondent to be given to the clerk and placed in the court record in addition to being given to the duly appointed fiduciary. Authorizes the court to release the social security number to a third party upon good cause shown and upon such conditions as the court may deem appropriate.

Public Chapter 0026 (effective 07/01/2007).

Trust laws for beneficiaries modified. Enacts technical changes to and clarifies definitions within trust laws. Modifies definitions of "power of withdrawal" and "qualified beneficiary." Changes "any interested person" to "any qualified beneficiary or trustee" several places with regard to settlements. Prohibits a settlor from representing and binding a beneficiary with respect to termination or modification of a trust. Allows for representation of a minor by designated person rather than parent. Extends the period of time a trust may be active for an animal from 21 years to 90 years. Provides for combination or division of trusts between two or more parties. The provisions of the bill apply to charitable gifts on the same basis as charitable trusts.

Public Chapter 0024 (effective 04/12/2007).

Estates - elective share of surviving spouse. Clarifies that a surviving spouse's elective share does not include assets over which the decedent held a power of appointment, relative to the calculations to determine the net estate. Also establishes that the gross estate excludes the homestead allowance, exempt property, and year's support allowance. After the elective share amount has been determined, the amount payable to the surviving spouse shall be reduced by the value of all assets which were transferred to the surviving spouse or for the benefit of the surviving spouse, but excluding the homestead allowance, exempt property and year's support allowance. Exempts the elective share from allocation for estate taxes. States that the elective share must be elected within nine months of the decedent's death.

Public Chapter 0013 (effective 07/01/2007).

Probate and estate administration. Makes refinements to statutes pertaining to probate, estate administration, wills, guardians and conservators, uniform transfers to minors, trusts, life insurance, and taxes.

Public Chapter 0008 (effective 03/28/2007).

ENVIRONMENT & NATURE

Tethering of dogs. Adds knowingly tying, tethering, or restraining dog in manner that results in the dog suffering bodily injury to actions that constitute offense of cruelty to animals.

Public Chapter 535 (effective 07/01/2007).

FAMILY LAW

Protection extended to family pets. Expands definition of domestic abuse to include physical harm, attempted physical harm, or threatened physical harm to a pet of an adult or minor. Requires court to place an animal with the petitioner or in foster care in a protective order, rather than with the respondent.

Public Chapter 0352 (effective 06/05/2007).

Adoption statutes revised. Makes various refinements to statutes pertaining to adoption, permanent guardianship, and other placement arrangements for children. Removes standing of court appointed special advocate (CASA) to file petition for termination of parental rights. Includes permanent guardianship as an option. Allows a court to grant DCS's guardianship of a child, who has had parental rights terminated, to a permanent guardian that has been appointed pursuant to T.C.A. § 37-1-801. Allows the juvenile court to award permanent guardianship to any of the persons or agencies listed in the statute as the disposition in a child dependency proceeding. Allows the court to transfer a Title 36 partial or permanent guardianship held by the Department of Children's Services to a permanent guardianship with the consent of the permanent guardian. . Adds the goal of permanent guardianship to the permanency plan of children in foster care.

Public Chapter 0372 (effective 07/01/2007).

Domestic abuse law. Makes technical changes to domestic abuse law. Specifies that abuse victims filing petitions for relief of said abuse are not responsible for paying any fees related to the filing of such petitions; states that the court may modify or extend the order either on its own motion or upon that of the petitioner. Extension of an order requires that a respondent have been properly served and afforded an opportunity for a hearing.

Public Chapter 0348 (effective 06/05/2007).

Paternity suit - payment for changing birth certificate. Requires court to include in an order of parentage an order that nonprevailing party in paternity suit pay costs for changing birth certificate and issuing new birth certificate. If parentage is not confirmed, costs shall be paid by the person being confirmed as father of the child by the order of parentage.

Public Chapter 0138 (effective 07/01/2007).

Employers withholding child support. Specifies that failure of an employer to pay income withheld for child support is a breach of fiduciary duty to the obligor. Amounts withheld by an employer, person or corporation for payment of a child support obligation shall be sent within seven days of the date the person obligated to provide the support is paid. Any action for breach of such fiduciary duty must be filed within one year of discovery, except in the case of fraudulent concealment on the part of the defendant, in which case the action shall be commenced within three years of discovery.

Public Chapter 0312 (effective 05/31/2007).

Domestic relations revisions. Allows a court to award reasonable attorney fees to a parent who either proposes or opposes a parental relocation with a child who is the subject of a custody order. Protects social security numbers of the parties and their children in certain divorce and child custody and support proceedings. Specifies procedures for filing such information under seal. Requires parties of any divorce to be subject to certain temporary injunctions, and adds a new temporary injunction against hiding, destroying or spoiling evidence stored electronically, including computer evidence. Requires capital losses to be deducted from capital gains for the purpose of calculating income pursuant to the child support guidelines.

Public Chapter 0187 (effective 07/01/2007).

Custody arrangements - caretakers. Clarifies that the relationships between caregivers and children as well as between parents and children should be considered when a court is determining a custody arrangement in the best interest of the child. Defines “caregiver” and clarifies that only after biological parents have been declared unfit will the caregiver be given the opportunity to adopt, per the requirements of the constitution.

Public Chapter 0245 (effective 05/24/2007).

Parent/guardian responsibility in delinquency vandalism. Assigns responsibility to parent or guardian of delinquent found guilty of second or later offense of vandalism of public property. Requires parent or guardian to repair, replace, or pay for repairs to damaged property. Provides a defense when all reasonable means were taken to prevent the vandalism.

Public Chapter 0353 (effective 06/05/2007).

Grandparent visitation rights. Adds general sessions courts with domestic relations jurisdiction or juveniles courts in matters involving children born out of wedlock as courts that may be presented with a petition for grandparent visitation, in addition to circuit and chancery courts. Existing law includes only circuit and chancery courts.

Public Chapter 0022 (effective 07/01/2007).

Requirements for self-employed child support obligors. Requires child support obligor who is self-employed to establish a bank account for deposit of child support funds. Requires obligor to give the department of human services authorization to retrieve such funds by automatic bank withdrawal within ten days of issuance of child support order. Failure to deposit the required amount into the account or allow automatic withdrawals is failure to comply with a child support order which shall be punished as civil contempt.

Public Chapter 0442 (effective 07/01/2007).

Evidence-based services used for treatment of juveniles. Prohibits department of children's services from expending state funds on any juvenile justice program or program related to the prevention, treatment or care of unruly and delinquent juveniles, including any service model or delivery system, unless the program is evidence-based. Requires department to include in any contract with service provider that the provider shall provide only evidence-based services. Requirements of the bill are phased in over a four year period. Beginning in fiscal year 2009-2010, 33% of funds expended must be for evidence-based programs; 66% in FY 2010-2011, and 100% by FY 2011-2012.

Public Chapter 0585 (effective 06/28/2007).

Elder abuse redefined. Specifies that abuse of an elder must be committed knowingly, other than by accidental means; classifies such offense as a Class E felony rather than a Class A misdemeanor.

Public Chapter 0416 (effective 06/11/2007).

Domestic relations - causes of divorce. Modifies requirements regarding divorce bills. Requires bills for divorce to be on file for 60 days before being heard if the parties have no unmarried child under 18 years of age and 90 days before being heard if the parties have an unmarried child under 18 years of age. Encourages parties to participate in mediation unless there is an order of protection issued in or recognized by this state in effect or there is a court finding of domestic abuse. Victim of alleged abuse can agree to mediation under certain mitigating conditions.

Public Chapter 0519 (effective 07/01/2007).

JUDICIARY

Grundy and Union County clerks must serve as juvenile court clerks. Deletes Grundy and Unicoi Counties' exemption from the law requiring the clerk of the court of general sessions or the clerk and master to serve as the juvenile court clerk in counties where general sessions court is also juvenile court. Amends Chapter 226 of the Public Acts of 2003.

Public Chapter 0275 (effective 07/01/2007).

Judgments in general sessions court. Pursuant to Rule 60 of the TN Rules of Civil Procedure, authorizes general sessions judges to correct judgments, set aside judgments or otherwise relieve parties from final judgment. Requires that any such motion be filed within ten days of the date of the order sought to be modified. Specifies that such a motion tolls the ten-day period for seeking a de novo review in circuit court until a ruling on such motion.

Public Chapter 0443 (effective 01/01/2008).

Forfeiture of bail. Permits the court to grant an extension for defendants failing to appear in court instead of entering a conditional judgment.

Public Chapter 0255 (effective 05/24/2007).

Exemptions from garnishment. Adds Archer Medical Savings Accounts and Health Savings Accounts, authorized under federal law, to funds exempt from execution and garnishment.

Public Chapter 0176 (effective 05/16/2007).

Special proceedings - nuisances. Directs courts to enjoin continuation of public nuisances before notice or hearing is afforded defendant under certain circumstances. The court may grant a writ, ex parte, when supported by an affidavit that there is probable cause to believe a public nuisance exists. A hearing shall be conducted within five days. Notice of the hearing shall be given to the defendant.

Public Chapter 0331 (effective 07/01/2007).

Juvenile courts can operate a drug court treatment program. Permits juvenile courts to develop and operate drug court treatment programs. Limits who can apply for drug court treatment program grant funds to an existing drug court treatment program created by a court exercising criminal jurisdiction. Requires clerk of court to assess a \$75.00 fee against persons who violate the terms of a suspended sentence imposed as a result of a drug offense or who have a conviction that is premised on a positive drug screen.

Public Chapter 0375 (effective 07/01/2007).

Delinquency proceedings opened to public inspection. Opens petitions and orders of the court to public inspection in delinquency proceedings in which the delinquent act would constitute aggravated rape of a child if committed by an adult. Sets up a task force to study the submission of juvenile fingerprints and the reporting of juvenile dispositions.

Public Chapter 552 (effective 07/01/2007).

LOCAL GOVERNMENT

Local Government Instances of Fraud Reporting Act. Enacts the "Local Government Instances of Fraud Reporting Act." Requires a public official with knowledge that a theft, forgery, credit card fraud or other unlawful taking of public money to report such information to the comptroller of the treasury in a reasonable amount of time. Removes liability for civil or criminal action against any public official acting in good faith by reporting such information, unless the reporting official also benefited from the conduct.

Public Chapter 0206 (effective 05/22/2007).

PROPERTY & HOUSING

Homestead exemption for persons with minor children. Increases homestead exemption for persons who have minor children in their custody to an amount not to exceed \$25,000.

Public Chapter 560 (effective 06/27/2007).

Eviction of tenants for drug-related criminal activity. Permits housing authorities in counties not covered by Uniform Residential Landlord and Tenant Act to terminate and evict tenants with only three days' notice in some circumstances. Pertains only to tenants who engage in violent acts, drug-related criminal activity or act in a manner that is a danger to other tenants.

Public Chapter 0075 (effective 07/01/2007).

Liens on improvements to real property. Revises definition of "contract price" for purposes of liens on real property to include the amount agreed upon by the contracting parties for furnishing materials, machinery, equipment, services, overhead and profit, included in the contract, increased or diminished by the price of extras or breach of contract. Redefines "furnish materials" to include the supplying of tools. Changes language that refers to a house or structure being erected upon a lot or tract of land to instead say "any lot or tract of real property upon which an improvement has been made." Defines "improvement." Specifies that there shall be a lien upon any lot or tract of real property upon which an improvement has been made by a prime contractor and any remote contractor and that the lien is to secure the contract price. Establishes other procedures related to liens on improvements to real property (42 pp.).

Public Chapter 0189 (effective 05/18/2007).

PUBLIC EMPLOYEES

Pension and retirement benefits. Authorizes employer matching for profit sharing and salary reduction plans to be based on amount contributed by employee from longevity pay in lieu of monthly matches. Permits TCRS to use retirement system fund earnings to fund implementation of the Concord Project. Requires the state treasurer to report to the council on pensions and insurance the status and funding requirements of the Project. Revises other various retirement-related provisions.

Public Chapter 0184 (effective 05/18/2007).

Elected officials - criminal convictions. Prohibits federal, state, and local elected public officials from seeking public office after being convicted of an infamous crime, if such crime was committed in such person's official capacity; applies even if person's citizenship rights have been restored.

Public Chapter 0325 (effective 07/01/2007).

Paid military leave time. Increases paid military leave time for state and local government employees from 15 to 20 working days in a year.

Public Chapter 0360 (effective 07/01/2007).

TAXES GENERAL

Litigation tax. Allows Carroll, Sullivan, Unicoi, and Cheatham Counties to impose a privilege tax on litigation in all civil and criminal cases in an amount not to exceed \$25.00 per case.

Public Chapter 0146 (effective 05/10/2007).

TORT LIABILITY

Civil liability for injury caused by dogs. Provides that the owner of a dog has a duty to keep that dog under reasonable control at all times, and to keep that dog from running at large. A person who breaches that duty is subject to civil liability for any damages suffered by a person who is injured by the dog while in a public place or lawfully in or on the private property of another. Such a person may be held liable regardless of whether the dog has shown any dangerous propensities or whether the dog's owner knew or should have known of the dog's dangerous propensities. It is a defense to liability for the owner of the dog if the injury occurred while protecting the dog's owner or an innocent party; or if proper warning has been given; or if the injury occurred while the dog was securely confined; or if the dog was provoked.

Public Chapter 0276 (effective 07/01/2007).

TRANSPORTATION VEHICLES

TN Unattended Children in Motor Vehicle Safety Act. Establishes offense of knowingly leaving child under seven in motor vehicle on public property or any other premises generally frequented by the public without supervision by a person at least 13 years of age if: (1) The conditions present a risk to the child's health or safety; (2) The engine of the motor vehicle is running; or (3) The keys to the motor vehicle are located anywhere inside the passenger compartment of the vehicle. Specifies that first violation is a Class B misdemeanor punishable by \$200 fine. Second or subsequent offense is punishable by \$500 fine. Authorizes court to require violator to attend a community education course approved by the department of safety that includes education on the dangers of leaving young children unattended in motor vehicles.

Public Chapter 0214 (effective 07/01/2007).

DUI offender restricted license - probation office travel. Expands specified purposes for which a trial judge may issue a restricted driver license following DUI conviction to include travel to and from regularly scheduled meetings with a probation officer by a route to be designated by the probation officer. Also allows travel once a week to regular place of worship that is a bona fide religious institution for regularly scheduled religious services.

Public Chapter 0171 (effective 05/15/2007).

Motorcycles and reckless driving. Includes intentionally driving motorcycle while front tire is off the ground as offense of reckless driving. Specifies that a violation is a Class B misdemeanor. The provisions of bill are not applicable to persons riding in a parade, at a speed of 30 miles per hour or less, if such persons are 18 years of age or older.

Public Chapter 0308 (effective 07/01/2007).

Moving motor vehicles located on private property. Clarifies that authority to move a motor vehicle located on private property is within the scope of powers of a municipal court.

Public Chapter 0248 (effective 05/24/2007).

Municipal ordinances regarding state traffic offenses. Specifies traffic offenses that are state offenses and to be tried exclusively in state courts, including DUI, driving while license is suspended or revoked, drag racing and possession of five more grams of methamphetamine while driving. Voids any existing municipal ordinance enacted after July 1, 1977 that presently regulates any of the state offenses.

Public Chapter 0143 (effective 05/10/2007).

Jeff Roth Bicycle & Pedalcyclists Protections Act of 2007. Requires motor vehicle operator, when overtaking a bicycle going the same direction, to leave a distance of at least three feet between the motor vehicle and the bicycle. Violation is a Class C misdemeanor.

Public Chapter 0081 (effective 05/03/2007).

Fees related to driver license suspensions. Caps at \$400 at any one time restoration or reinstatement fees for a person whose license has been suspended for failure to satisfy timely a traffic citation.

Public Chapter 0317 (effective 07/01/2007).

WORKERS COMPENSATION

Second injury fund assessments, attorney fees. (1) Deletes provision making employer liable for second injury fund assessment in case death results from injury or occupational disease (2) Provides that for cases submitted to Department of Labor and Workforce Development for approval of settlement that are resolved prior to trial or pursuant to benefit review conference, department will deem attorney fees to be reasonable if fee does not exceed 20% of award to injured worker. With respect to permanent total disability awards, 20% of first 400 weeks of award will be deemed reasonable.

Public Chapter 0300 (effective 05/30/2007).